

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MODIFICATION OF LIFELINE AND LINK-UP RULES IN 199 IAC 39	DOCKET NO. RMU-04-7
---	---------------------

ORDER ADOPTING EMERGENCY RULE

(Issued August 27, 2004)

Pursuant to Iowa Code §§ 17A.4, 17A.5, 476.1, 476.2, and 476.20 (2003), the Utilities Board (Board) is adopting an emergency rule to expand the eligibility criteria for the Lifeline and Link-Up programs. The purpose of these amendments is to ensure that all eligible Iowans can qualify for the support of the Lifeline and Link-Up programs.

The Lifeline and Link-Up programs are two of several universal service support mechanisms. The Lifeline program provides low-income consumers with discounts of up to \$10 off the monthly cost of telephone service for a single telephone line in a consumer's principal residence. The Link-Up program provides low-income consumers with discounts of up to \$30 off of the initial cost of installing telephone service.¹ Pursuant to the rules of the Federal Communications Commission (FCC), low-income consumers have been able to establish their

¹ 47 C.F.R. § 54.401(a).

eligibility for Lifeline and Link-Up support by participating in certain Federal assistance programs, such as Medicaid or Federal public housing assistance.

On April 29, 2004, the FCC issued its "Report and Order and Further Notice of Proposed Rulemaking" in WC Docket No. 03-109. In that order, the FCC adopted rules adding three new eligibility criteria for the Lifeline and Link-Up programs. The FCC ordered that participation in the Temporary Assistance to Needy Families program and the National School Lunch Program's free lunch program be added to the default eligibility criteria. In addition, the FCC ordered that a consumer is eligible to participate in Lifeline and Link-Up if the consumer's income is at or below 135 percent of the Federal Poverty Guidelines.

Pursuant to FCC rules, the Board administers parts of the Lifeline and Link-Up programs in Iowa. The Board has adopted its own rules to facilitate this process, at 199 IAC chapter 39. Those rules include a listing of the eligibility criteria specified by the FCC. Therefore, in order to give effect to the FCC's three new eligibility requirements, the Board must amend its rules.

Rule 39.1 will be amended as follows:

39.1(476) Definition of terms. For the purposes of Universal Service Fund requirements, the following definitions apply:

"Eligible telecommunications carrier" or "eligible carrier" means a carrier designated by the board as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e).

"Facilities" means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for Universal Service Fund support.

"Federal Poverty Guidelines" means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). (This section made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

"Toll blocking" means a service that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

"Toll control" means a service that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

"Toll limitation" denotes both toll blocking and toll control.

Subrule 39.3(3) will be amended as follows:

39.3(3) Qualified applicants. To be eligible for Lifeline or Link-up assistance, an applicant must participate in one of the following programs:

- a. Medicaid (e.g., Title XIX/Medical, state supplemental assistance);
- b. Food stamps;
- c. Supplemental Security Income;
- d. Federal public housing assistance;
- e. Low-income Home Energy Assistance Program;

f. Temporary Assistance to Needy Families; and

g. National School Lunch Program's free lunch program;

or have income that is at or below 135 percent of the Federal Poverty Guidelines.

(The additional criteria for eligibility are made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

Finally, subrule 39.3(4) will be amended as follows:

39.3(4) Application. The application shall be upon a form as set forth below.

The form shall be supplied to the applicant by the eligible carrier.

LINK-UP AND LIFELINE RATE ASSISTANCE APPLICATION

Name_____

Address_____

Soc. Sec._____

City_____ State_____ Zip_____
Phone Number where you may be reached or receive messages (____)_____

Please answer the following questions (indicate by check mark):

1. By filling out this applications I (the applicant) request:
☐ Low-income telephone connection assistance (Link-up) and/or
☐ Low-income telephone Lifeline assistance.
2. Have you received Link-up assistance at the above address in the past?
☐ Yes
☐ No

If the answer is "yes," you are not eligible for Link-up assistance.

3. Are you participating in any of the following programs:
☐ Medicaid (e.g., Title XIX/Medical, State Supplemental Assistance)
☐ Food Stamps
☐ Supplemental Security Income
☐ Federal Public Housing Assistance
☐ Low-Income Home Energy Assistance

Temporary Assistance to Needy Families program

National School Lunch Program's free lunch program

4. Is your income at or below 135 percent of the Federal Poverty Guidelines?

Yes

No

I understand completion of this application does not constitute immediate acceptance into this program. I agree to notify the telecommunications carrier if I cease to participate in any of the public assistance programs I checked above or if my income becomes greater than 135 percent of the Federal Poverty Guidelines.

I certify under penalty of perjury the above information is true. I have read the information on this application and understand that I must meet the above qualifications to receive assistance from these programs.

SIGNATURE _____ DATE _____

(The changes to the Link-Up and Lifeline Rate Assistance Application are made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

The Board is adopting these amendments without notice and public participation pursuant to the provisions of Iowa Code § 17A.4(2). The Board finds that the notice and public participation would be contrary to the public interest, because these amendments will confer a benefit on the public by expanding eligibility for Federal assistance. The time required for notice and public participation would unreasonably delay this benefit. Moreover, the adopted amendments merely implement recent changes in the FCC's regulations; those changes, along with many other changes, were already the subject of notice and public comment at the Federal level.

Nonetheless, the Board intends to commence a regular rule making proceeding which will include these amendments and other proposed amendments.

The Board will receive public comment on these amendments as a part of that proceeding, which will be commenced within the next two months.

Finally, the Board is adopting the amendments effective the date of this order pursuant to the provisions of Iowa Code § 17.5(2)"b"(2). The Board finds this effective date is appropriate because these amendments confer a benefit on a segment of the population, as described above.

IT IS THEREFORE ORDERED:

1. An emergency rule, identified as Docket No. RMU-04-7, is adopted in the form set out in the body of this order.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Emergency Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 27th day of August, 2004.

UTILITIES DIVISION [199]

Adopted and Filed Emergency

Pursuant to Iowa Code sections 17A.4, 17A.5, 476.1, 476.2, and 476.20 (2003), the Utilities Board (Board) hereby amends 199 IAC 39.1(476), 199 IAC 39.3(3), and 199 IAC 39.3(4). The Board issued an order in Docket No. RMU-04-7, In re: Modification of Lifeline and Link-Up Rules In 199 IAC Chapter 39, on August 27, 2004, adopting these amendments expanding the eligibility criteria for the Lifeline and Link-Up programs to ensure that all eligible Iowans can qualify for the support of the Lifeline and Link-Up programs.

The Lifeline and Link-Up programs are two of several universal service support mechanisms. The Lifeline program provides low-income consumers with discounts of up to \$10 off the monthly cost of telephone service for a single telephone line in a consumers principal residence. The Link-Up program provides low-income consumers with discounts of up to \$30 off of the initial cost of installing telephone service.² Pursuant to the rules of the Federal Communications Commission (FCC), low-income consumers have been able to establish their eligibility for Lifeline and Link-Up support by participating in certain Federal assistance programs, such as Medicaid or Federal public housing assistance.

² 47 C.F.R. § 54.401(a).

On April 29, 2004, the FCC issued its "Report and Order and Further Notice of Proposed Rulemaking" in WC Docket No. 03-109. In that order, the FCC adopted rules

adding three new eligibility criteria for the Lifeline and Link-Up programs.

Pursuant to FCC rules, the Board administers parts of the Lifeline and Link-Up programs in Iowa. The Board has adopted its own rules to facilitate this process, at 199 IAC chapter 39. Those rules include a listing of the eligibility criteria specified by the FCC. Therefore, in order to give effect to the FCC's three new eligibility requirements, the Board must amend its rules.

The Board is adopting these amendments without notice and public participation pursuant to the provisions of Iowa Code § 17A.4(2). The Board finds that the notice and public participation would be contrary to the public interest, because these amendments will confer a benefit on the public by expanding eligibility for Federal assistance. The time required for notice and public participation would unreasonably delay this benefit. Moreover, the adopted amendments merely implement recent changes in the FCC's regulations; those changes along with many other changes were already the subject of notice and public comment at the Federal level.

The Board finds that, pursuant to Iowa Code § 17A.5(2)"b"(2), the normal effective date of the amendments should be waived and these amendments should be immediately effective. The Board finds this effective date is appropriate because these amendments confer a benefit on a segment of the population, as described above.

The following amendments are adopted, effective August 27, 2004.

Item 1. Amend rule 39.1(476) as follows:

39.1(476) Definition of terms. For the purposes of Universal Service Fund requirements, the following definitions apply:

"Eligible telecommunications carrier" or "eligible carrier" means a carrier designated by the board as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e).

"Facilities" means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for Universal Service Fund support.

"Federal Poverty Guidelines" means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). (This section made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

"Toll blocking" means a service that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

"Toll control" means a service that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

"Toll limitation" denotes both toll blocking and toll control.

Item 2. Amend subrule 39.3(3) as follows:

39.3(3) Qualified applicants. To be eligible for Lifeline or Link-up assistance, an applicant must participate in one of the following programs:

a. Medicaid (e.g., Title XIX/Medical, state supplemental assistance);

- b. Food stamps;
- c. Supplemental Security Income;
- d. Federal public housing assistance;
- e. Low-income Home Energy Assistance Program;
- f. Temporary Assistance to Needy Families; and
- g. National School Lunch Program's free lunch program;

or have income that is at or below 135 percent of the Federal Poverty Guidelines.

(The additional criteria for eligibility are made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

Item 3. Amend subrule 39.3(4) as follows:

39.3(4) Application. The application shall be upon a form as set forth below. The form shall be supplied to the applicant by the eligible carrier.

LINK-UP AND LIFELINE RATE ASSISTANCE APPLICATION

Name_____

Address_____

Soc. Sec._____

City_____State_____Zip_____

Phone Number where you may be reached or receive messages (_____)_____

Please answer the following questions (indicate by check mark):

1. By filling out this applications I (the applicant) request:
☐ Low-income telephone connection assistance (Link-up) and/or
☐ Low-income telephone Lifeline assistance.
2. Have you received Link-up assistance at the above address in the past?
☐ Yes
☐ No

If the answer is "yes," you are not eligible for Link-up assistance.

3. Are you participating in any of the following programs:

- ☐ Medicaid (e.g., Title XIX/Medical, State Supplemental Assistance)
- ☐ Food Stamps
- ☐ Supplemental Security Income
- ☐ Federal Public Housing Assistance
- ☐ Low-Income Home Energy Assistance
- ☐ Temporary Assistance to Needy Families program
- ☐ National School Lunch Program's free lunch program

4. Is your income at or below 135 percent of the Federal Poverty Guidelines?

☐ Yes

☐ No

I understand completion of this application does not constitute immediate acceptance into this program. I agree to notify the telecommunications carrier if I cease to participate in any of the public assistance programs I checked above or if my income becomes greater than 135 percent of the Federal Poverty Guidelines.

I certify under penalty of perjury the above information is true. I have read the information on this application and understand that I must meet the above qualifications to receive assistance from these programs.

SIGNATURE _____ DATE _____

(The changes to the Link-Up and Lifeline Rate Assistance Application are made effective immediately pursuant to Iowa Code § 17A.5(2)"b"(2)).

August 27, 2004

/s/ Diane Munns _____

Diane Munns
Chairman